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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,527	10/13/1999	DAVID M. POTZOLU	2207/6926	7553

7590 05/12/2004
JOHN C ALTMILLER
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1500 K STREET NW
WASHINGTON, DC 20005

EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/417,527

Applicant(s)

POTZOLU, DAVID M. 

Examiner

Barbara N Burgess

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached Office Action.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-9 and 11-22.Claim(s) withdrawn from consideration: 10, 23-25.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

This Advisory Action is in response to Applicant's Request for Reconsideration filed April 29, 2004.

Response to Arguments

The Office notes the following arguments:

- (a) In Yama, there is no re-routing of relevant traffic to a moved agent.
- (b) In Yama, there is no performing of application layer gateway functionality by the agent at the target device.
- (c) Examiner is not explicit as to where Yama references "the message being held in a storage area until the agent reaches the second computer (destination computer)...and then the message is routed to the agent at the second computer".
- (d) Again, please note in claim 1, the moved agent processes re-routed traffic.

In response to:

- (a) Yama discloses re-routing messages to a server storage area that were initially destined for direct transfer to a destination computer (column 3, lines 1-4, 23-27, 60-64, column 6, lines 25-32, 40-55, column 8, lines 25-37, column 9, lines 9-20). Yama discloses reasons for re-routing messages to the storage area. These reasons being that the destination computer has not been activated, the destination computer has been disconnected, agent has not yet arrived at the destination computer, the communication path is interrupted. Because of these reasons, messages (relevant traffic) intended for the moved agent will be re-routed from its path directly to the

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destination computer, now to the server storage area before being transferred to the destination computer (column 8, lines 32-40, column 13, lines 19-40). Therefore, as claimed, "re-routing relevant traffic to the target device" does occur.

(b) Yama does not explicitly disclose performing layer gateway functionality by the agent at the target device, as stated in the Final Office Action (paper #16). However, this feature is evidenced by the teachings of Li (column 1, lines 35-39, Abstract).

(c) This feature is shown in the following passages (column 3, lines 1-4, 23-27, 60-64, column 6, lines 25-32, 40-55, column 8, lines 25-37, column 9, lines 9-20). Yama explicitly states, "There are many references for determining whether or not the message can be directly transferred to the destination computer. When, for example, the destination computer is not powered on, when direct access from an external network is inhibited, or **when a destination agent is stored in the temporary storage area and has not arrived at the destination computer**, the direct message transfer is inhibited," (column 8, lines 32-37).

(d) "The moved agent processes re-routed traffic" is found nowhere in claim 1.

Therefore, this is not apart of the claim.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2157